

**ENTERED**

June 17, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISIONBALDEMAR FRANCISCO ALANIZ, *et al.*,

Plaintiffs,

VS.

THOMAS L. SWAREK,

Defendant.

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CIVIL ACTION NO. 2:24-CV-00025


**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

On May 13, 2025, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (D.E. 91), recommending that the Court decline entry of default and deny default judgment because Defendant Thomas Swarek has entered a late appearance and intends to defend the action against him. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's memorandum and recommendation (D.E. 91), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court declines to order entry of default and **DENIES** Alaniz's motion for default judgment (Doc. No. 88).

**ORDERED** on June 17, 2025.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE